

SAN JOAQUIN COUNTY WORKNET EMPLOYMENT AND ECONOMIC DEVELOPMENT DEPARTMENT POLICIES AND PROCEDURES DIRECTIVE

DIRECTIVE NO.	EFFECTIVE DATE	APPLICABILITY	PAGE
24-16	November 13, 2024	Departmental	1 of 4
SUBJECT: INCIDENT REPORTING			

I. PURPOSE

This policy provides the guidance and establishes the procedures for reporting to the US Department of Labor's (DOL) Office of Inspector General (OIG) allegations of fraud, program abuse, or criminal conduct involving grantees or other entities and subrecipients receiving federal funds either directly or indirectly from the Employment Development Department (EDD).

II. GENERAL INFORMATION

This directive is to ensure that all recipients of WIOA funding are aware of the procedures for promptly reporting all allegations of WIOA related incidents to the OIG.

This PPD supersedes PPD 23-06 Incident Reporting dated February 26, 2024.

References

- [WIOA \(Public Law 113-128\) Sections 185\(b\) and 188](#)
- [Inspector General Act of 1978 \(Public Law 95-452\)](#)
- [Title 2 Code of Federal Regulations \(CFR\) Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards \(Uniform Guidance\), Sections 200.113 and 200.333](#)
- [Title 5 CFR Part 2635: Standards for Ethical Conduct for Employees of the Executive Branch](#)
- [Title 5 CFR Part 5201: Supplemental Standards of Ethical Conduct for Employees of the Department of Labor](#)
- [Title 20 CFR Part 683: Administrative Provisions Under Title I of the Workforce Innovation and Opportunity Act, Sections 683.420, 683.430, and 683.620](#)
- [Title 20 CFR Part 684: Indian and Native American Programs under Title I of the Workforce Innovation and Opportunity Act, Section 684.630\(d\)](#)

- [Title 29 CFR Part 38: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act](#)
- [Title 29 CFR Part 0: Ethics and Conduct of the Department of Labor Employees](#)
- [DOL Training and Employment Guidance Letter \(TEGL\) 15-23, Employment and Training Administration \(ETA\) Recipient Responsibilities for Reporting Instances of Suspected Fraud, Program Abuse and Criminal Conduct](#)
- [WSD24-03, Incident Reporting](#)
- [WSD22-06, Audit Resolution](#)
- [WSD18-05, WIOA Grievance and Complaint Resolution Procedures](#)
- [WSD17-01, Nondiscrimination and Equal Opportunity Procedures](#)

III. POLICY

Title [20 CFR Section 683.620](#) mandates that information and complaints involving criminal fraud, waste, abuse, or other criminal activity must be reported immediately to the OIG Hotline Portal and simultaneously reported to the ETA. The Inspector General Act of 1978, as amended, authorizes the OIG to conduct audits and investigations related to programs and operations of the DOL, including audits and investigations related to alleged fraud, waste, abuse, misconduct, or other wrongdoing concerning such programs and operations.

This directive applies to San Joaquin County Employment and Economic Development Department (EEDD) as the Local Workforce Development Area (LWDA) and subrecipients of programs funded under the Workforce Innovation and Opportunity Act (WIOA). It will be our policy to comply with the procedures and reporting requirements outlined in the EDD Workforce Services Directive [WSD24-03](#), Incident Reporting. There are no additional locally imposed requirements.

IV. PROCEDURE

All providers of services working with participants under WIOA must establish, document, and implement procedures that minimally meet the reporting requirements specified in the state policy [WSD24-03, Incident Reporting](#). Incidents and allegations involving Employment and Training Administration (ETA) recipients and programs should be reported to the Office of Inspector General (OIG) by completing the relevant fields contained in the OIG Hotline Portal (<https://www.oig.dol.gov/hotline.htm>).

When an individual has knowledge of, or suspicion of a violation of the WIOA or its regulations, the individual must take prompt and appropriate action. Reporting allegations of fraud, program abuse, or criminal conduct involving grantees or other entities and subrecipients must be submitted in two steps:

1. Complete the relevant fields on the OIG Hotline Portal.

2. Send a copy of the incident report, including screenshots or photos of the three OIG Hotline Portal screens to ETAIncidentReporting@dol.gov.

Note – The OIG Hotline Portal should not be used for resolving employee grievances, Equal Employment Opportunity complaints, labor disputes, or other personnel concerns.

If Internet access is not available, incidents can be reported to the OIG through the following hotlines:

- **Toll-free hotline** 1-800-347-3756
- **Non-toll-free hotline** 1-202-693-6999

While all incidents should be reported as soon as possible, situations involving imminent health or safety concerns, or the imminent loss of funds exceeding an amount larger than \$50,000 are considered emergencies and must be immediately reported to the OIG and ETA no later than one working day after the emergency discovery.

Action will not be taken against any complainant for disclosing information concerning criminal or improper activities or making a valid complaint to proper authorities. Complainants may remain anonymous. If a complainant considers that their position will be compromised by reporting information through an incident report, the complainant may submit the report directly to the OIG.

Records Retention Requirements

Under [Uniform Guidance Section 200.333](#), financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award must be retained for a period of three years from the date of submission of the final expenditure report, or for a period of three years from the date of the submission of the quarterly or annual financial report (for federal awards that are renewed quarterly or annually), as reported to the federal awarding agency or pass-through entity (in the case of a subrecipient). Pass-through entities must not impose any other record retention requirements upon non-federal entities. The only exceptions are the following:

- If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
- When the non-federal entity is notified in writing by the federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.

Records for real property and equipment acquired with federal funds must be retained for three years after final disposition.

V. QUESTIONS REGARDING THIS DIRECTIVE

May be referred to the Executive Director of EEDD via Managers or designee.

VI. UPDATE RESPONSIBILITY

The Executive Director of EEDD and/or designee will be responsible for updating this directive, as appropriate.

VII. APPROVED



PATRICIA VIRGEN
EXECUTIVE DIRECTOR

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